

## REMARKS

Claims 1-68 are pending. Claims 2-7 are under examination. Claims 1-68 have been canceled without prejudice to Applicants pursuing these claims in a related application. Support for the new claims can be found throughout the specification and the claims as filed. In particular, support for new claims 69, 72-75 and 78-87 can be found, for example, in original claims 2-12. For the Examiner's convenience, Appendix A is attached herewith showing a Table of Concordance of the current claims and original claims. Further support for new claims 69 and 75 can be found, for example, in Figure 6, which shows the core TPI 927 structure. Support for new claims 70 and 76 can be found, for example, in Figures 6 and 9. Support for new claims 71 and 77 can be found, for example, in Figure 22A. Accordingly, these new claims do not raise an issue of new matter and entry thereof is respectfully requested.

### Objections to the Specification

The objection to the specification is respectfully traversed. The Office Action indicates that there are inconsistencies in Figure 6 due to the numbers 91 and 103 each being assigned to two structures. The Office Action additionally suggests that compounds 25, 73, 86 and 88 be put into a separate figure. Further, the R groups in Figures 6 and 9 are not listed in numerical order. Submitted herewith are replacement drawings for original Figures 6 and 9. As requested by the Examiner, the structures in original Figure 6 have been segregated into Figure 6A, showing representative TPI 927 structures, and Figure 6B, showing structures 25, 73, 86 and 88. In addition, duplicate R3 structures between Figure 6 and Figure 9 have been deleted from Figure 6A. Further, the R groups in replacement Figures 6A, 6B and 9 have been reordered into numerical order, and each structure has been assigned a unique identification number.

### Objections to the Claims

The objection to claims 2-7 is respectfully traversed. Applicants respectfully submit that the objection to claims 2-7 has been rendered moot by the cancellation of these claims. Accordingly, Applicants respectfully request that this objection be withdrawn.

Regarding new claims 69-82, Applicants point out that the new claims are directed to the elected core structure TPI 927 and spell out the full names of “IAP” and “XIAP” at the initial recitation of these terms.

Rejection Under 35 U.S.C. § 103

The rejection of claims 2-4 under 35 U.S.C. § 103 as allegedly obvious over Nefzi et al., Tetrahedon Letters 41:5441-5446 (2000), is respectfully traversed. Applicants respectfully submit that this rejection has been rendered moot by the cancellation of these claims. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Regarding new claims 69, 72 and 73, which parallel original claims 2-4, Applicants respectfully submit that these claims are unobvious over Nefzi et al. Applicants respectfully submit that Nefzi et al. provides no teaching or suggestion of the claimed agents, wherein the agents derepress an IAP-inhibited caspase. Absent such a teaching or suggestion, Nefzi et al. cannot render the claimed agents obvious.

Rejection Under 35 U.S.C. § 112, Second Paragraph

The rejection of claims 2-7 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite is respectfully traversed. Applicants respectfully submit that this rejection has been rendered moot by the cancellation of claims 2-7. Accordingly, Applicants respectfully request that this rejection be withdrawn.

The Office Action indicates that the claims are considered to be indefinite because the claims are drawn to the core structure TPI 927, as in Figures 6 and 9, but Figure 6 includes structures 25, 73, 86 and 88, which are asserted to not be within the core TPI 927 structure. As discussed above and requested by the Examiner, structures 25, 73, 86 and 88 have been segregated into Figure 6B, separate from the TPI 927 structures shown in Figure 6A. Further, as requested by the Examiner, new claims 69, 70, 75 and 76 expressly recite the formula of TPI 927 and different R groups.

In light of the amendments and remarks herein, Applicants submit that the claims are now in condition for allowance and respectfully request a notice to this effect. The Examiner is invited to call the undersigned agent if there are any questions.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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**APPENDIX A**  
**Table of Concordance**

<b>Current Claim</b>	<b>Original Claim</b>
69	2
70-71	
72	3
73	4
74	5
75	6
76-77	
78-82	7
83-87	8-12